

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PERCY LEE : CIVIL ACTION
vs. :
ROBERT D. SHANNON, et al. : NO. 09-CV-4023

ORDER

AND NOW, this 9th day of December , 2010, upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey and the Petitioner's Objections to Report and Recommendation (Document 24), Respondents' Objections to Report and Recommendation (Document 25), Petitioner's response to Respondents' Objections to Report and Recommendation (Document 26) and Response to Petitioner's Objections to Report and Recommendation and Reply in Further Support of Respondents' Objections (Document 29), it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus is DENIED.
3. There has been a substantial showing of the denial of a constitutional right requiring the issuance of a certificate of appealability.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.